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**I. REAL PARTY IN INTEREST**

Blaise Mattie ("Mattie"), the party named in the caption, of 15 Smith Avenue, Dartmouth, Nova Scotia, Canada is the sole inventor of the invention disclosed in the subject application. Therefore, Mattie is the real party in interest.

**II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences that will directly or indirectly affect or be directly affected by or have a bearing on the Board's decision in this Appeal.

**III. STATUS OF CLAIMS**

Claims 1, 3-22 are pending in the application. Claim 2 is cancelled. The Examiner has rejected claims 1, 3-22. Appellant appeals the rejection of claims 1, 3-22.

**IV. STATUS OF AMENDMENTS**

An After Final Amendment was filed March 13, 2006 and entry thereof was refused by the Examiner in the Advisory Action mailed March 17, 2006.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

The claimed subject matter is directed to a board game with a firefighter theme. Players navigate the board picking up fire equipment along the way which is used to answer fire calls. Players who successfully answer a fire call obtain a district. The goal of the game is to obtain the most districts. Players can change ranks from lowest (Firefighter) to highest (Fire Chief) where fire calls are more easily answered by those players of higher rank. Players also may enter the hospital, have their equipment sent to the garage and experience other positive and negative results as the game progresses based on the squares on which they land and the cards which they draw.

Independent claim 1 recites a board game comprising a plurality of player markers 5, a game board 1 having an outer circle, an inner circle, and a center region 17. The outer circle and inner circle include a plurality of spaces thereon for movement of the player markers 5 and the center region 17 includes a map and district spots 16 that are separate from the plurality of spaces and correlate to locations on the map. The plurality of spaces including: a plurality of equipment spaces 11a, whereby a player obtains an equipment card 4a indicated by a landed-on equipment space 11a; and a plurality of task spaces 18, whereby a player takes a task card 3 at random from a collection thereof upon landing on a task space 18 and attempts to complete a task which is indicated on the task card 3 by turning in at least one equipment card 4a in their possession. The board game further comprises random number generating means 7 for determining movement of the player markers 5 about the board 1 and rank badges 19 which may be obtained by at least one player landing on a promotion space 9 of the board 1 and as a result of instructions indicated on a duty card 2. Page 2, lines 14-25, Page 3, lines 25-28.

Dependent claim 3 recites the element of a plurality of district markers 6, which are separate from the plurality of player markers 5, for placement on an obtained district spot 16 to indicate ownership thereof, regardless of whether the district spot 16 was previously owned or not. Page 13, lines 17-18, Figure 6.

Dependent claim 4 recites the element of wherein the player markers 5, equipment cards 4a, and/or district markers 6 are marked to indicate the player associated therewith. Page 7, lines 14-15, Page 9, line 24.

Dependent claim 5 recites the element of wherein the player markers 5, equipment cards 4a, and/or district markers 6 are color-coded to indicate the player associated therewith. Page 7, lines 14-15, Page 9, line 24.

Dependent claim 6 recites the element of wherein the player markers 5, equipment cards 4a, and/or district markers 6 are indicated with a city name to indicate the player associated therewith. Page 7, lines 17-18.

Dependent claim 7 recites the element of a plurality of duty spaces 12 on the board 1, whereby a player landing thereon takes a duty card 2 at random from a collection thereof and

follows instructions for playing the board game indicated on the duty card 2. Page 10, lines 2-3, Figure 1.

Dependent claim 8 recites the element wherein the duty cards 2 indicate firefighting-related instructions. Page 22, lines 28-29, Figure 9.

Dependent claim 9 recites the element wherein duty cards 2 include cards having instruction to place a particular equipment card 4a on a garage space 13 on the board 1 resulting in the particular equipment card 4a being temporarily unusable. Page 10, lines 5-6, Figure 3b.

Dependent claim 10 recites the element of at least one back-in-service space 10 on the board 1, whereby a player landing thereon may return any or all of their equipment cards 4a which are on a garage space 13 to their possession. Page 15, lines 28-29, Figure 1.

Dependent claim 11 recites the element of at least one injury space 14 on the board 1, whereby a player landing thereon must proceed to a hospital space 15 on the board 1 where the player remains until liberated. Page 10, lines 20-21, Figure 1.

Dependent claim 12 recites the element wherein the task cards 3 indicate either a specific district 16 to be obtained or a choice of districts 16. Page 11, lines 5-6, Figure 9.

Dependent claim 13 recites the element wherein a player may be liberated from a hospital space 15 by obtaining a preselected number using the random number generating means 7 or by use of a particular duty card 2. Page 10, lines 15-16.

Dependent claim 14 recites the element wherein the rank badges 19 reduce the number of equipment cards 4a needed for completion of the tasks. Page 11, lines 7-8.

Dependent claim 15 recites the element of wherein the rank badges 19 represent a rank of firefighting. Page 3 line 28 to Page 4, line 1, Figure 8.

Dependent claim 16 recites the element of wherein the ranks include, from lowest to highest, some or all of firefighter, lieutenant, captain, deputy chief, and fire chief. Page 15, line 16.

Dependent claim 17 recites the element of at least one mutual aid space 11b on the board 1, whereby a player landing thereon is permitted to turn in, in addition to any of their own equipment cards 4a, one or more equipment cards 4a from another player in order to complete a task. Page 9, line 26, Page 13, lines 26-27.

Dependent claim 18 recites the element of at least one start space 8, 8a upon which players may place their playing piece at the game's outset. Page 9, lines 2-3, Figure 1.

Dependent claim 19 recites the element wherein the plurality of spaces is in the configuration of a maltese cross. Page 4, line 11, Figure 1.

Dependent claim 20 recites the element wherein the random number generating means 7 comprises at least one die. Page 4, lines 11-12, Figure 7.

Dependent claim 21 recites the element wherein equipment cards 4a indicate a piece of equipment useful for fighting a fire. Page 17, line 4 to Page 22, line 26, Figures 4a, 4b.

Dependent claim 22 recites the element wherein the task cards 3 indicate a firefighting task. Page 13, lines 1-4, Figure 9.

## **VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

The issues involved in this Appeal are as follows:

- A. Whether claims 1, 3-22 are unpatentable under 35 U.S.C. § 103(a) as being obvious over United States Patent No. 4,136,879 issued to Andrew et al., ("Andrew").

## **VII. ARGUMENT**

The Examiner has rejected claims 1, 3-22 as being unpatentable under 35 U.S.C. § 103(a) as being obvious over Andrew.

All of the claims do not stand or fall together. The basis for the separate patentability of the

claims is set forth below.

**A. Overview of the Prior Art**

**1. Overview of Andrew**

Andrew teaches of a board game, which is supposed to simulate the trials, tribulations and triumphs of an intern at a large teaching hospital. See Andrew, Abstract. Andrew teaches a game board divided into four quadrants, representing a different medical specialty, such as medicine, neurology-psychiatry, surgery and gynecology-obstetrics. See Andrew, column 3, lines 14-17. The quadrants contain a ward which is further subdivided into spaces which represent beds in the ward. See Andrew, column 3, lines 17-20. The board taught by Andrew contains a continuous path divided primarily into patient spaces, diagnostic spaces, therapeutic spaces and paging spaces, in which the player navigates with a player piece corresponding to the medical speciality the player represents. See Andrew, column 1, lines 52-54, Figures 1 and 4. The number of spaces on the board that the player piece moves corresponds to the number shown on the dice. See Andrew, column 6, lines 38-40.

Prior to actual game play, each player receives an equal number of personnel cards, which correspond to the ward they represent and contain the title of a person who would typically work in a ward, such as Attending Physician, Resident, Head Nurse, etc. See Andrew, column 6, lines 29-30, Figure 5. The personnel cards are used by the player to conceal the diagnosis and treatment cards in possession of the player from the other players. See Andrew, column 7, lines 58-60.

During game play, if a player lands on a patient space corresponding to that player's specialty, the patient may be admitted from the Emergency room to the corresponding specialty ward by placing that patient's card in a bed space. See Andrew, column 1, lines 61-65. Upon landing on a diagnostic or therapeutic space the player is permitted to pick up a diagnostic or therapeutic card which may or may not relate to his or her patients. See Andrew, column 1, lines 65-68.

The object of the game is for a player to: admit all of the patients relating to that player's specialty who are waiting in the emergency room by landing on each of these patient spaces;

diagnosing the illness of each admitted patient by obtaining the appropriate diagnostic card; and disposing of the diagnosed patients by obtaining the appropriate therapeutic card; all while expending the minimum amount of time. See Andrew, column 1, line 68 to column 2, line 7.

Andrew does not teach or suggest rank badges which reduce the number of equipment cards needed to complete a task. Moreover, Andrew does not teach or suggest of district markers for placement on an obtained district spot to indicate ownership thereof.

**B. Rejection of Claims 1, 3-22 Under 35 U.S.C. § 103(a) as Obvious over Andrew**

To establish a *prima facie* case for obviousness it must be shown that the cited references teach or suggest each element of the claim. See In Re Reinhart, 189 U.S.P.Q. 143, 147 CCPA, 1976 (“‘*prima facie*’ case of obviousness is established where the teachings from the prior art itself would have suggested the claimed subject matter”).

With regard to independent claim 1, Appellant respectfully submits Andrew fails to teach or suggest of at least the element of rank badges which may be obtained by at least one player landing on a promotion space of the board and as a result of instructions indicated on a duty card. The Examiner alleges that Andrew teaches rank badges and refers to the personnel cards 69 shown in Figure 5 as evidence to support his allegation. See Final Office Action, page 2, paragraph 2. **The Examiner admits that the Appellant might argue that the personnel cards taught by Andrew are not the same as the Appellant’s rank badges.** See Final Office Action, page 2, paragraph 4.

However, the Examiner further states that the only difference between the Appellant’s game and Andrew resides in the meaning and information conveyed by the printed matter and is not considered patentable *Ex Parte Breslow* 192 U.S.P.Q. 431. See Final Office Action, page 2, paragraph 5. The Examiner also argues that it would have been obvious to change the information on the spaces/cards to match the theme of the game. See Final Office Action, page 2, paragraph 7.

It is respectfully submitted that the Examiner’s interpretation of the art is grossly erroneous and his unfair deprecation and negative interpretation of the merit of the Appellant’s invention flies in the face of and is contrary to well established principles of law, of practice and, indeed, an honest interpretation of the statute.

**Appellant respectfully emphatically submits that Andrew does not in any possible,**

**clear, distorted or adulterated interpretation, teach or obviate a board game, as broadly claimed in claim 1, which comprises, *inter alia*, rank badges as defined in claim 1 and further characterized in claims 14 to 16. Moreover, Andrew fails to teach or obviate the element of district markers as defined in claim 3.**

The Examiner alleges that Andrew teaches of rank badges and refers to the personnel cards 69 shown in Figure 5 as evidence to support his allegation. It is with due respect submitted that the personnel cards 69 taught by Andrew are quite dissimilar in both structure and function from the **rank badges** taught by the Appellant. For example, a rank badge is an emblem worn as an insignia of rank in an organization. Twenty-eight personnel cards, seven for each of the four specialities are provided in the game taught by Andrew. See Andrew, column 5, lines 8-10. There is nothing to teach or suggest that the personnel cards of Andrew are insignia's to be worn as would a badge. Conversely, 20 color coded Fire Service Badges are provided in the present invention. See Application, page 7, lines 9-10.

The seven personnel cards, taught by Andrew, for each speciality are identified by the title of an individual typically found working in a hospital ward. For example, cards identified by the titles: Attending Physician, Resident, Head Nurse, Nurse, Secretary, and Orderly are provided as the personnel cards common to all wards and a Social Worker card specific to Medicine, Physical Therapist card specific to Neurology-Psychiatry, Physician's Associate card specific to Surgery and Dietitian card specific to Gynecology Obstetrics are also provided. See Andrew, column 9, lines 23-28. Conversely, the Appellant's Fire Service Badges correspond to a particular rank within the Fire Service. For example, the lowest rank a player can have is Firefighter, which is represented by ownership of a black Fire Service Badge, whereas ownership of a red badge indicates the highest rank of Fire Chief. Intermediate ranks of Lieutenant, Captain, and Deputy Chief are represented by ownership of Fire Service Badges colored coded white, blue and yellow, respectively. See Application, page 11, lines 10-15.



The personnel cards taught by Andrew are equally distributed to each player at the beginning of the game depending on the number of players playing the game. See Andrew, column 6, lines 29-31. For example, if four individuals are playing the game taught by Andrew, each will receive seven personnel cards corresponding to the ward in which they have elected to be the intern thereof. These personnel cards are neither obtained nor discarded during play. In other words, the number of personnel cards received by the player at the beginning of the game remains with that player throughout the game and the number of personnel cards received at the outset of the game is only determined by the number of players playing the game. For example, if four or less players are playing, each player will receive the maximum number of seven personnel cards. Alternatively, if more than four players are playing, the personnel cards are divided equally between the players. In other words, if six players were engaged in the game, each player would receive three personnel cards and at least two players would have personnel cards from the same speciality or ward. The mere fact that one player has the personnel cards entitled Attending Physician, Resident, and Head Nurse and another player has the personnel cards entitled Nurse, Secretary, and Orderly does not have any bearing on the way the game is played or the status (or rank) of the player with respect to the other players.

At the beginning of the game described and claimed by the Appellant, each player receives one rank badge representing the rank of Firefighter. See Application, page 7, lines 22-23. At the outset of the game, each player receives the same rank (i.e. Firefighter), since the rank of the player materially effects the way the game is played. During play, a player attempts to obtain a higher rank than the one currently held, with the ultimate goal of achieving the rank of Fire Chief. See Application, page 7, lines 24-35. During the course of a game, a player can be either promoted or demoted by exchanging their current rank badge for either a rank badge corresponding to a higher rank in the fire service or a rank badge of lower rank in the fire service. See Application, page 15, lines 23-25. In other words, at any given time during the course of play, the player will have no more than one rank badge in their possession. The player cannot be demoted to a rank lower than Firefighter and promoted to no higher than Fire Chief. See Application, page 7, lines 24-35. The various ranks are obtained by the player either landing on the space that says "Fire Service Promotion" or through the instructions provided on a Station Duties card. See Application, page 15, lines 22-23.

As mentioned above, the personnel cards taught by Andrew have no bearing on the way the game is played. In fact, the sole function of the personnel cards taught by Andrew is to conceal the diagnosis and treatment cards in the possession of the player from the other players. See Andrew, column 7, lines 58-60, and claim 7. The Appellant argues that the mere fact that one player has personnel cards with titles of positions of high rank in a hospital ward and another player has personnel cards with titles of positions of subordinate ranking in a hospital has absolutely no effect on the way the game is played or the status of the player with respect to the other players. In fact, any means capable of concealing the diagnostic and treatment cards in the possession of the player could be used to achieve the same result as the personnel cards. These concealing means could be cards with any type of printed matter thereon. The fact that Andrew has elected to define these cards as personnel cards seems like an obvious choice to match the theme of the game.

As mentioned above, the Appellant's rank badges correspond to a rank in the fire service and each player starts the game with one rank badge corresponding to the lowest rank in the fire service, i.e. Firefighter. The rank of the player within the fire service, determined by the type of rank badge possessed by the player, dictates how many items of fire service equipment are required by that player to respond to a particular task. See Application, page 3, lines 27-28. For example, if a player having a black rank badge, thus holding the rank of Firefighter, were to land on a Fire Call space on the game board and draw the Fire Call card shown in Figure 2b of the Application, the player would require nine equipment cards corresponding to the pieces of equipment listed on the card (i.e. High Angle Rescue Equip, Cascade System, Extension Ladder, Aerial Truck, Ventilation Saw, Class "A" Foam, 100 ft. of Hose, Salvage Cover, and Vehicle Extrication) in order to respond to the Fire Call and claim the district indicated on the Fire Call card. On the other hand, if a player having a red rank badge, thus holding the rank of Fire Chief, were to land on a Fire Call space on the game board and draw the Fire Call card shown in Figure 2b of the Application, the player would require only five equipment cards corresponding to the pieces of equipment listed on the card (i.e. Ventilation Saw, Class "A" Foam, 100 ft. of Hose, Salvage Cover, and Vehicle Extrication) in order to respond to the Fire Call and claim the district indicated on the Fire Call card.

For the reasons stated above, the Appellant argues that Andrew does not disclose or obviate the rank badges described and claimed by the Appellant. Moreover, the Appellant submits that the differences between the personnel cards disclosed by Andrew and the rank badges taught in the present application are more than mere differences in the printed matter.

Further patentable distinction between the board game taught by the Appellant and Andrew can be found in claim 3. The Appellant's board game describes and claims a plurality of **district markers**, which are separate from the plurality of player markers for placement on an obtained district spot to indicate ownership thereof, regardless of whether the district spot was previously owned or not. The Examiner has not specifically identified what he considers to be the equivalent of the district markers of the present invention in the Andrew reference. The Appellant has carefully studied the Andrew reference and cannot find within the text of the Andrew document any direct disclosure or suggestion of district markers or similar elements.

The district markers taught in the Appellant's application are provided to each player before play begins. Each player receives 10 district markers corresponding to the color of the Fire Department they have elected to represent. See Application, page 7, lines 14-15. An object of the game is to occupy as many district spots as possible by successfully responding to a Fire Call and placing a district marker on the corresponding district spot. See Application, page 11, lines 19-20. If the district spot has already been covered by another opponent's district marker, the player removes the opponent's district marker and places his/her own marker on the district spot. The game is over once all the district spots are covered and one Fire Department holds a majority of the districts. See Application, page 8, lines 25-26. Conversely, Andrew does not teach or obviate a marker that is placed on the game board to identify that a task has been successfully completed and a certain space is owned, either permanently or temporarily, by the player. Moreover, the game taught by Andrew is not won by the player who occupies the most number of spaces on the board. Instead the game taught by Andrew is ended when one player, or intern, has discharged or transferred all of his/her patients, represented by the cards shown in Figure 7. See Application, column 8, lines 30-31. The winner of the game is determined by the player who has the highest score once the scores for each player have been tabulated using a complex formula for determining the winner. See Andrew, column 8, lines 32-44.

Accordingly, Appellant respectfully submits, Andrew fails to teach or suggest every element of Claim 1 or its dependent claims. Since each and every element of Claims 1, 3-22 is not taught or suggested by the reference of record, a *prima facie* case of obviousness has not been established. For at least the foregoing reasons, Appellant respectfully submits Claims 1, 3-22 are separately patentable and requests the final rejection under 35 U.S.C. § 103(a) over Andrew be overturned.

## **VIII. CONCLUSION AND RELIEF**

### **CONCLUSION**

In the light of the detailed submissions, the facts and the arguments heretofore presented, the Appellant has respectfully concluded that the Examiner has unjustly and unfairly rejected the claims under appeal and that such rejection lacks any sound basis either in the statute, pertinent case law or persuasive principles of United States practice.

It is well recognized by both the Appellant and the Examiner that no individual reference analyzed during the prosecution of the aforesaid application - including, in particular, the Andrew patent upon which the Examiner placed heavy reliance - represents a clear and complete anticipation of any one of the claims under rejection. It is further mutually recognized and appreciated that the claims under rejection do, in fact, embody and recite features which clearly distinguish the claimed subject matter from the Andrew reference and all other known art. The Examiner's position, briefly stated, is that the features recited in the rejected claims, which clearly distinguish the claimed subject matter from the prior art, do not render the claims patentable and that the subject matter thereof would be obvious to a man skilled in the art.

It is very respectfully drawn to the attention of the Examiner that the game which is the subject matter and invention sought to be patented herein clearly falls within what is generally termed a "crowded art". Indeed, the Appellant respectfully directs the Examiner's attention to the fact that numerous patents have issued to various patentees over the past few years, each of which successive invention distinguishing from the pertinent prior art in only minor respects and not, in fact, equaling the substance and essence of the distinguishing features which the present invention under appeal holds over the prior art. In this regard, it is respectfully urged that the Examiner has demonstrated an inconsistency between his actions and the actions and holdings of his colleagues in refusing to acknowledge as patentable the clearly distinguishing features falling within the scope of this crowded art.

It is well appreciated that the Examiner need not slavishly follow the utterances and decisions of his predecessors in charge of the examination of earlier applications but, nevertheless, to the prudent objective observer, the Examiner's actions do represent an unfair assessment of the

patentable merit of the subject matter claimed herein. With due respect, the Appellant submits that it would be more fair and appropriate and certainly consistent with current case law, statutory requirements and principles of practice if the Examiner allowed the claims under rejection having regard to the reasonable and well balanced approach taken by previous Examiners in recognizing as patentable refinements and important developments in this crowded art.

It is, furthermore, respectfully emphasized that in the Appellant's view the Examiner's negative approach to the prosecution of this application and his rejection of the claims represents a classical unfair ex poste facto analysis of the patentable merit of the subject matter of the claims presently under rejection. This form of negative ex poste facto analysis or the practice of hindsight wisdom has been well deprecated by the Courts in most major countries of the world including the Courts of the United States of America. In fact, the law books are replete with examples of actions before the United States Courts in which the judiciary has criticized this form of ex poste facto analysis and the hardship and unnecessary expense to which Appellants have been placed as a result thereof. It is noted that there has already been significant interest in the potential commercial development of this game. Those individuals allegedly expert in the field of commercialization of this type of development have commented enthusiastically as to its potential and its anticipated acceptability to the public at large. This represents a further reason why the Appellant requires the protection afforded by an issued patent with the minimum of delay. It is recognized and appreciated that the matter of commercial success of a development does not necessarily underline or endorse the inventive merit embodied therein. However, it has also been demonstrated in case law that the matter of commercial success does clearly have the effect of "tipping the scales" when an invention such as this under consideration herein is subjected to the acid test of the existence of patentable merit. It is submitted that this is a further point which should be given positive weight in reaching a favorable reassessment of the allowability of the claims presently under rejection.

The Appellant has refrained from including herein copious and comprehensive recitations of established case law which might usefully be cited in favor of the Appellant's position so as not to unduly burden the Board with an even more lengthy Appeal Brief that is constituted by this presentation. However, the Appellant optimistically anticipates that the Board will be well familiar with principles of case law which might be utilized in favor of the Appellant's position and which would, of course, be brought out and argued in detail in the event of subsequent legal proceedings hereon.

It is in conclusion submitted on behalf of the Appellant that the subject matter of the claims under appeal when read in the light of the features recited therein do, indeed, recite novel subject matter which is patentable over all known prior art and enjoys a level of inventive merit and inventive ingenuity sufficient to warrant allowability of the claims.

## **RELIEF**

Accordingly, it is submitted that the rejections of claims 1, 3-22 based on 35 U.S.C. § 103 be overturned.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any additional shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 19-0513 and please credit any excess fees to such deposit account.

Respectfully submitted,  
Schmeiser Olsen & Watts

Date: July 13, 2006

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## **IX. CLAIMS APPENDIX**

The claims involved in this Appeal are as follows:

1. (Previously presented) A board game comprising:
  - a plurality of player markers;
  - a game board having an outer circle, an inner circle, and a center region, wherein said outer circle and inner circle include a plurality of spaces thereon for movement of player markers, and wherein said center region includes a map and district spots that are separate from said plurality of spaces and correlate to locations on said map, said plurality of spaces including:
    - a plurality of equipment spaces, whereby a player obtains an equipment card indicated by a landed-on equipment space;
    - a plurality of task spaces, whereby a player takes a task card at random from a collection thereof upon landing on a task space and attempts to complete a task which is indicated on the task card by turning in at least one equipment card in their possession;
    - random number generating means for determining movement of the player markers about the board; and
    - rank badges which may be obtained by at least one of a player landing on a promotion space of the board and as a result of instructions indicated on a duty card.
2. (Cancelled)
3. (Previously presented) A board game according to claim 1, wherein the game board further comprises a plurality of district markers, which are separate from said plurality of player markers, for placement on an obtained district to indicate ownership thereof, regardless of whether the district spot was previously owned or not.
4. (Previously Presented) A board game according to claim 1, wherein the player pieces, equipment cards, and/or district markers are marked to indicate the player associated therewith.
5. (Original) A board game according to claim 4, wherein the player pieces, equipment cards, and/or district markers are colour-coded to indicate the player associated therewith.
6. (Previously presented) A board game according to claim 4, wherein the player pieces, equipment cards, and/or district markers are indicated with a city name to indicate the player associated therewith.



7. (Previously presented) A board game according to claim 1, wherein said game board further comprises a plurality of duty spaces, whereby a player landing thereon takes a duty card at random from a collection thereof and follows instructions for playing the board game indicated on the duty card.
8. (Original) A board game according to claim 7, wherein duty cards indicate firefighting-related instructions.
9. (Previously presented) A board game according to claim 7, wherein duty cards include cards having instruction to place a particular equipment card on a garage space on the board resulting in the particular equipment card being temporarily unusable.
10. (Original) A board game according to claim 9, wherein the game board further comprises at least one back-in-service space, whereby a player landing thereon may return any or all of their equipment cards which are on a garage space to their possession.
11. (Previously presented) A board game according to claim 7, wherein the game board further comprises at least one injury space, whereby a player landing thereon must proceed to a hospital space on the board where the player remains until liberated.
12. (Previously presented) A board game according to claim 1, wherein task cards indicate either a specific district to be obtained or a choice of districts.
13. (Original) A board game according to claim 11, wherein a player may be liberated from a hospital space by obtaining a preselected number using the random number generating means or by use of a particular duty card.
14. (Previously presented) A board game according to claim 1, further comprising rank cards, wherein said rank cards reduce the number of equipment cards needed for completion of the tasks.
15. (Original) A board game according to claim 14, wherein the rank badges represent a rank of firefighting.
16. (Original) A board game according to claim 15, wherein the ranks include, from lowest to highest, some or all of firefighter, lieutenant, captain, deputy chief and fire chief.
17. (Previously presented) A board game according to claim 1, wherein the game board further comprises at least one mutual aid space, whereby a player landing thereon is permitted to turn in, in addition to any of their own equipment cards, one or more equipment cards from another player in order to complete a task.
18. (Previously presented) A board game according to claim 1, wherein the game board further comprises at least one start space upon which players may place their playing piece at the game's outset.

19. (Previously presented) A board game according to claim 1, wherein the plurality of spaces is in the configuration of a maltese cross.
- 20 (Previously presented) A board game according to claim 1, wherein said random number generating means comprises at least one die.
21. (Previously presented) A board game according to claim 1, wherein equipment cards indicate a piece of equipment useful for fighting a fire.
22. (Previously presented) A board game according to claim 1, wherein task cards indicate a firefighting task.

**X. EVIDENCE APPENDIX**

None

**XI. RELATED PROCEEDINGS APPENDIX**

None